

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

JUAN ANTONIO MARTINEZ SOTO
IZAMAR NIEVES ARZUAGA

DEBTORS

BANCO POPULAR DE PUERTO RICO

MOVANT

V.

JUAN ANTONIO MARTINEZ SOTO
IZAMAR NIEVES ARZUAGA

RESPONDENTS

JOSE RAMON CARRION MORALES
CHAPTER 13 TRUSTEE

CASE NO 16-02904 ESL

CHAPTER 13

DEBTORS' RESPONSE TO MOTION FOR RELIEF FROM STAY DOCKET NO. 36

TO THE HONORABLE COURT:

NOW COME, JUAN ANTONIO MARTINEZ SOTO and IZAMAR NIEVES ARZUAGA, debtors, through the undersigned attorney, and very respectfully state and pray as follows:

1. On August 18, 2016, Banco Popular de Puerto Rico ("BPPR") filed a motion for relief from stay in the present bankruptcy case, docket no. 36, basically alleging that the debtors are in arrears in their post-petition direct mortgage loan payments to said creditor

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for three (3) monthly payments of \$966.00, plus late charges and attorney's fees and costs, for a total of \$4,177.26. *Motion for Relief From Stay*, at paragraph 5, docket entry # 36.

2. The debtors respectfully state that they are both gainfully employed as teachers working for the Puerto Rico Department of Education and that after filing the present Chapter 13 bankruptcy petition, in June, 2016, the debtors paid BPPR a post-petition payment which was credited to the month of May, 2016. In August, 2016, the debtors tried to make the June/2016 payment but BPPR refused the same since the account had been referred to BPPR's Counsel for legal action of the filing of the present 362 motion.

3. The reason for the debtors' delay in making the aforestated payments is that the Department of Education made a salary adjustment to both debtors' salaries for the "school vacations period" (June and July/2016) which resulted in that the debtors did not receive their full salaries for said months of June and July, 2016.

4. The debtors respectfully state that on this same date, August 22, 2016, they filed a proposed *Amended Chapter 13 Plan*, to provide for the aforestated post-petition mortgage loan arrears (\$4,117.26), also proposing to continue making current post-petition payments to BPPR commencing in September, 2016.

5. The debtors respectfully request this Honorable Court grant the present response allowing the debtors to cure the aforementioned post-petition arrears through the debtors' proposed *Amended Chapter 13 Plan*, denying BPPR's 362 motion, docket entry #36, in the above captioned case.

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WHEREFORE, the debtors respectfully request from this Honorable Court to grant the present response to BPPR's 362 motion, docket entry #36, allowing the debtors to cure the post-petition mortgage loan arrears through the proposed *Amended Chapter 13 Plan*, dated August 22, 2016, in the above captioned case.

I CERTIFY that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF filing system, which will send notification of same to: the Chapter 13 Trustee, Jose Ramon Carrion Morales, Esq.; Jose J Sanchez Velez, Esq., *Bermudez Diaz & Sanchez Velez, LLP*, Counsel for BPPR; I also certify that a copy of this motion was sent via regular mail to the debtors/respondents Juan Antonio Martinez Soto and Izamar Nieves Arzuaga, Villa Borinquen J 6 Calle Guatibiri Caguas PR 00725.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 22nd day of August, 2016.

/s/Roberto Figueroa Carrasquillo
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